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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,127	08/10/2001	Harlan M. Hugh	18333-26C1	6924

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LIU & LIU LLP
811 WEST SEVENTH STREET, SUITE 1100
LOS ANGELES, CA 90017

EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/927,127

Applicant(s)

HUGH, HARLAN M.

Examiner

Tadesse Hailu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the patent application (09/427,680) filed on 10/27/1999.

Priority

2. The present invention is a continuation of application No. 09/272,808, filed on Mar. 19, 1999, now patented 6,166,739, which is a non-provisional of provisional application No. 60/078,714, filed on March 20, 1998. The current application also claims the benefit under 35 U.S.C. 120 of US Application No. 09/747,092, now patented, 6,037,944, filed on 7 November 1996.

Specification

3. The disclosure is objected to because of the following informalities: the cross – reference to related application is not complete. All the claimed priority is not listed. Appropriate correction is required.

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

Drawings

4. The drawings submitted on January 15, 2002 has been considered and entered into the application file.

Status of the claims

5. The pending claim 1 is examined as follows:

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

6. Claim 1 is rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of prior U.S. Patent No. 6,166,739. This is a double patenting rejection.

Both **Claim 1** of the instant application and **claim 1** of patent No. 6,166,739

identically recite the followings:

Instant application	6,166,739
1. A method for navigating a group of information in a computer system, comprising the steps of:	1. A method for navigating a group of information in a computer system, comprising the steps of:
identifying said group of information associated with a selected data item;	identifying said group of information associated with a selected data item;
converting certain pieces of said group information into generated data items;	converting certain pieces of said group information into generated data items;
associating unilateral and multilateral display relationships with said generated data items, each unilateral display relationship representing a direct relationship between two of said generated data items, and said multilateral relationships also representing an indirect relationship with other generated data items;	associating unilateral and multilateral display relationships with said generated data items, each unilateral display relationship representing a direct relationship between two of said generated data items, and said multilateral relationships also representing an indirect relationship with other generated data items;
associating unilateral and multilateral display relationships with said generated data items and said selected data item, each unilateral display relationship representing a direct relationship between said selected data item	associating unilateral and multilateral display relationships with said generated data items and said selected data item, each unilateral display relationship representing a direct relationship between said selected data item

and one of said generated data items, and said multilateral relationships also representing an indirect relationship between said selected data item and said generated data items;	and one of said generated data items, and said multilateral relationships also representing an indirect relationship between said selected data item and said generated data items;
and forming a display associated with said selected data item, including said generated data items, wherein said display distinguishes between said selected data item and said generated data items.	and forming a display associated with said selected data item, including said generated data items, wherein said display distinguishes between said selected data item and said generated data items.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Weinberg et al (US Pat No 6,237,006).

Weinberg et al ("Weinberg ") discloses a method for navigating and managing collection of interconnected nodes ("group of information") displayed within a graphical site map (e.g., Figs. 1-6, and 21, etc.).

The method includes a step of identifying said collection of interconnected nodes associated with a selected node. For example, as illustrated in Fig. 4, collection of interconnected nodes that are associated with the selected node 84 is shown (column 18, lines 20-32).

The method also includes converting hyperlinks ("certain pieces of said group of information") into generated data item. For example selecting one of the hyperlinks (Fig. 4, #78) converts into generated interconnected nodes (Fig. 4, #76) (column 17, lines 20-67; column 22, lines 54-column 23, lines 16).

The method also includes associating one or more links with the selected node. As illustrated in Fig. 6, there is single edge or connector ("unilateral") display relationship representing a direct relationship between the selected parent node 88 and its child nodes (see Fig. 6); there are also multi edges or connectors ("multilateral") relationship representing indirect relationship between the selected node 88 and the leaf nodes (see Fig. 6, column 6, lines 38-54; column 18, lines 20-32).

The method also includes associating display relationship between the selected parent node 88 and other generated nodes, wherein such relationship includes a direct relationship between selected node 88 and its child nodes (Fig. 6), and such relationship also includes indirect relationship between the selected node 88 and its leaf

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nodes (or other generated data items)(Fig. 6) (column 2, lines 27-57; column 8, lines 40-58; column 12, lines 28-64).

The method further includes forming a display (e.g., Fig. 6) associated with said selected parent node 88, including said generated child nodes and leaf nodes, wherein said display distinguishes between said selected data item and said generated data items. As illustrated in Fig. 6, and subsequent Figs, the selected node is displayed in a different color or highlighted (Fig. 4, #84, Fig. 6, #88, Fig. 21; column 29, lines 39-47; column 31, lines 25-39).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

April 27, 2004

